

THE
INFORMATION
 Against the
Duke of Marlborough.
 AND HIS
ANSWER.

Termino Sanctæ
 Trinitatis, Anno
 undecimo Regi-
 næ Annæ

*To the Right Honourable Robert Earl of Oxford and
 Earl Mortimer, Lord High Treasurer of Great-
 Britain ; Robert Benson, Esq; Chancellor and
 Under-Treasurer of Her Majesty's Court of Exche-
 quer at Westminster; Sir Edward Ward, Knight,
 Lord Chief Baron of the same Court ; and to the rest
 of the Barons there.*

Middlesex.

S *Hemeth* unto and informeth Your Lordships, Sir Edward Northey, Knight, Her Majesty's Attorney-General, for and on Her Majesty's Behalf, That in and since the Year 1702 there hath been an open War carried on by Her Majesty and Her Allies against France and Spain : For the Prosecution and carrying on of which War divers great and considerable Sums of Money have yearly, during the said Time, been granted unto Her Majesty by Her Parliaments ; as by the several Acts of Parliament for that Purpose made, to which the Attorney-General refers, may more fully appear. And the said Attorney-General further informeth Your Lordships, that for the Prosecutoin and carrying on of the said War, His late Majesty King *William*, in Prospect of the said War, did hire, or Her said Majesty hath hired, and had in Her Service in *Flanders*, and elsewhere, several foreign Troops, and Soldiers from several foreign Princes and Potentates, which have acted in Her Majesty's Service, in Conjunction with Her Majesty's Allies, against the Enemy, amounting to several Thousands ; the yearly Pay of which Troops amounted to a very great Sum of Money, which was to be paid out of the publick Taxes given by Parliament. And the said Attorney-General further informeth Your Lordships, That out of the Money so granted to Her

A

Majesty

Majesty, as aforesaid, by Her Parliaments, for carrying on of the said War, there hath been paid by Her Majesty's Pay-Master of Her Forces, or his Deputy, for the Pay and Hire of the said foreign Forces so taken into Her Majesty's Service, pursuant to Stipulations and Contracts, divers considerable Sums of Money, amounting in the Whole to 11,294,659 l. or some other very considerable Sum of Money. And the said Attorney-General, on Behalf of Her Majesty, further sheweth and informeth Your Lordships, That His said late Majesty or Her present Majesty did agree, or some Agreement was made on His said late Majesty's or Her present Majesty's Behalf with Persons authorized in that Behalf, that there should be reserved 2 l. 10 s. out of every hundred Pounds payable to and for the said Troops, as well for their Pay and Entertainment, as on any other Account, towards defraying such extraordinary contingent Expences, relating to them as could not otherwise be provided for; it being in Consideration thereof undertaken, and agreed by or on Behalf of his said late Majesty or Her present Majesty, that no other Stoppage should be made from the Pay of such hired foreign Troops, or some other Agreement was made for making such Deduction out of the Two and half *per Cent.* out of the Pay of such Troops; which Agreement was after approved and confirmed by Her said Majesty by Her Warrant under Her Sign Manual, dated on or about the 6th Day of July 1702, countersigned by one of the then Secretaries of State to Her Majesty, directed to John then Earl of Marlborough, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the States-General of the United Provinces, and Captain General of Her Majesty's Land Forces, the said John Earl of Marlborough, being now the most Noble John Duke of Marlborough; which Warrant is in the Form or to the Effect following.

ANNE R.

RIGHT trusty and right well-beloved Cousin and Counsellor, We greet you well. Whereas, pursuant to the Direction you have received in that Behalf, you have agreed with the Persons authorized to treat with you for the taking into Our Service a certain Number of foreign Troops to act in Conjunction with the Forces of Our Allies, that there be reserved Two and half *per Cent.* out of all Monies payable to and for the said Troops, as well for their Pay and Entertainment, as on any other Account, towards defraying such extraordinary contingent Expences relating to them as cannot otherwise be provided for: Now We do hereby approve and confirm all such Agreements as you have or may hereafter make for reserving the said Two and half *per Cent.* accordingly; and do likewise hereby authorize and direct the Pay-Master-General of our Forces for the Time being, or his Deputy, to make the said Deduction of Two and half *per Cent.* pursuant thereunto, out of all Monies he shall be directed to issue for the use of the foreign Troops in Our Pay, and thereupon to pay over the same from Time to Time according to such Warrants, and in such Proportions as you shall direct: For which this shall be to you, our said Pay-Master-General for the Time being, and to all others whom it may concern, a sufficient Warrant and Direction. Given at Our Court at St. James's the sixth Day of July, 1702. and in the first Year of Our Reign.

By Her Majesty's Command,

C. Hedges.

To Our right trusty and right well-beloved Cousin and Counsellor John Earl of Marlborough, our Ambassador Extraordinary and Plenipotentiary to the States-General of the United Provinces, and Captain-General of Our Land Forces,

as by the said Warrant, when produced, may more fully appear. Pursuant to which Agreement and Warrant, there ought to have been, ever since the making of such Agreement, deducted out of the Pay of the said foreign hired Troops 50 s. out of every hundred Pounds that hath been paid to them, or for their Use, which would have

amounted

amounted to the Sum of 177695 *l.* 17 *s.* and upwards, or to some other very considerable Sum of Money, and which ought to have been accounted for in the same Manner as other publick Monies granted to Her Majesty by Parliament for the Service of the War are accounted for; and the Pay-master-General of Her Majesty's Forces in foreign Parts for the Time being, ought in his Account of the Monies imprested to him to have charged himself with the said Monies so deducted from the foreign Troops, and discharged himself by proper Applications thereof if the same had been so applied. But now so it is, and the said Attorney-General expressly charges, that the said Warrant of Her Majesty was not entered in Her Majesty's Treasury, as such Warrants relating to her Majesty's publick Monies usually were and ought to be; nor was the same entered with or left with the Pay-master-General of Her Majesty's Forces; nor had the Auditors of the Imprest, or either of them, any Notice thereof, but the same was kept by the said Duke of *Marlborough*, or privately shewed unto or left with some Person or Persons, being Deputy, or acting as Deputy-Pay-Master of the said hired foreign Troops; and on his paying the said foreign hired Troops, he, according to the said Agreement, did deduct the said 2 *l.* 10 *s.* per Cent. out of the Monies paid to them, and the said Duke of *Marlborough* did privately receive the same from him, and no Account was ever given to Her Majesty of the said 2 *l.* 10 *s.* per Cent. so deducted; but the Monies so deducted and paid to the said Duke of *Marlborough*, as aforesaid, ought to be accounted for by him, who declines giving any Account for the same, sometimes alledging that the Money so deducted was no Part of Her Majesty's publick Monies, but was a voluntary Gift made by the said foreign hired Troops to him as General and Commander in Chief; which Allegation is expressly contrary to Her Majesty's said Warrant, and to the Agreement made with them; for which Her Majesty gave them a Consideration, by undertaking that no other Stoppages should be made out of their Pay, and thereby obliged Her Majesty to provide for the Contingencies of those Forces, for which Deductions might otherwise have been made, which Her Majesty accordingly did; and also by the express Terms of the said Agreement mentioned in that Warrant, the said Monies were to be reserved towards defraying the extraordinary contingent Expences relating to those Troops; And at other Times the said *John Duke of Marlborough* alledges, That the said Deduction has been made out of the Pay of such foreign Forces so hired into Her Majesty's Service, and the Money paid over to him by Vertue of the said Warrant: Whereas by the Intent of the said Warrant, the said Attorney-General insists, That the Monies could not be received by him, but were to be issued by his Warrant for the Services only for which the same were deducted and reserved; and such Warrants ought to have expressed the particular Service for which the same were made: And therefore the said *John Duke of Marlborough* having, without any lawful Authority, received the Monies so deducted, he is thereby become accountable to Her Majesty for the same: And at other Times the said *John Duke of Marlborough* alledges, That he hath applied such deducted Money so by him received, in procuring Intelligence and for secret Service, whereas no such Application is directed by Her Majesty's said Warrant, that being a general Service for the whole Army; and these Monies being applicable only for the particular Service of those hired Troops: Nor had the said Duke of *Marlborough* any Authority or Occasion to apply the said Monies for Intelligence, for that the Parliament hath constantly provided what Money has been thought reasonable and sufficient for that Service, and which has been paid to him the said Duke of *Marlborough* accordingly from time to time, without the least Notice having been taken by him that such Money so provided by the Parliament for that Service was not sufficient. To the Intent therefore that he the said *John Duke of Marlborough* may true and perfect Answer make to all and singular the Premises as if here again particularly repeated and interrogated, and may set forth what Foreign Troops have at any Time, and when, been taken into or been in Her Majesty's Service, by any and what Contracts

and Agreements at any Time by him, or any others, made on Her Majesty's Behalf with any, and what Foreign Prince, State, or Potentate, and whether he did not agree, or it was not agreed with the Persons authorized to treat for the Hire of, or acting for such Troops, to deduct out of their Monies stipulated 50 s. *per Cent.* or what other Sum, and on what Consideration, and particularly whether it was not agreed that no other Stoppages or Deductions should be made from the said Pay of the said Foreign hired Troops, and whether Her Majesty did not confirm such Agreement by any, and what Warrant under Her Hand to him for that Purpose directed, and whether such deducted Money was not to be issued to supply the contingent Charges of such Foreign Troops, and whether the same is not so expressed in such Warrant, and may inspect his Books, Papers, and Vouchers, and set forth a full, true, exact and just Account how much of such deducted Money hath by him, or by any other Person by his Order and Direction, and by whom at any Time, and when, since Her Majesty's Accession to the Throne, been had and received, and from whom, and how much such deducted Money doth amount unto, whether to the said Sum of 177695 l. 17 s. or to any other, and what Sum in particular, and whether the same hath been apply'd, and how in defraying the extraordinary contingent Expences of the said Foreign hired Troops, or how otherwise the same has been apply'd, and wherein such contingent Expences incident to those Troops doth consist, and may set forth Her Majesty's Warrant, by Vertue whereof he received the same in *Hec Verba* and also all Warrants, if any made by him, for issuing any Part thereof; And that the said *John Duke of Marlborough* may account with Her Majesty for the said deducted Money so paid to him, or to his Order, and pay what shall appear due upon such Account; And that Her Majesty may be relieved in the Premises, May it please your Lordships to grant your Letter, and other Process, to be directed to the said most Noble *John Duke of Marlborough* to appear in this Court at a certain Day, and to answer the Premises, and finally to perform and abide such Order and Decree therein as to your Lordships shall seem meet.

The Answer of John Duke of Marlborough, Defendant, to the Information of Sir Edward Northey, Kt. Her Majesty's Attorney-General, Informant.

THIS Defendant saving to himself all Advantages of Exception to the said Information, for Answer thereto, or to such Part thereof as this Defendant is advised is material for him to answer unto, he, this Defendant, saith, That His late Majesty King *William*, having about the latter End of the Year 1700 received a Memorial from the States-General of the United Provinces, importing the Danger they were in from an impending War with *France*; His Majesty thought fit to communicate the same to the House of Commons, who thereupon, by their humble Address, requested his Majesty to lay before them the Treaty made between *England* and the said States in the Year 1677, together with the several Renewals thereof: Which being accordingly done, they came to a Resolution in relation thereto, and then Address'd His Majesty to enter into such Negotiations, in Concert with the States-General and other Potentates, as might effectually conduce to their mutual Safety and the Preservation of the Peace of *Europe*, assuring his Majesty they would support and assist him in performing the said Treaty made in the Year 1677. Upon which His Majesty declared He would, and accordingly did (as this Defendant believes) enter into Negotiations, or Treaties, with the States-General and other Potentates for attaining the good Ends desired; and those Negotiations being by His Majesty impar-

ted to the House of Commons, they thereupon granted him a Supply for maintaining,
 10000 Men in the Service of the States-General, and, as a part of such Supply, they
 gave the sum of 6000 *l.* for one Year's Contingencies in respect of those 10000 Men.
 After which, the Commons being informed by His Majesty that his Presence was ne-
 cessary abroad, for the Encouragement of the Allies and perfecting such Alliances as
 might be most effectual for the common Interest, they by another Address, assured His
 Majesty, that they would be ready on all Occasions, to assist Him in supporting
 such Alliances as He should think fit to make, in Conjunction with the Emperor and
 the States-General, for the Preservation of the Liberties of *Europe*, the Prosperity and
 Peace of *England*, and for reducing the exorbitant Power of *France*; as by the Jour-
 nals of the House of Commons may appear, unto which this Defendant in all things
 before and hereafter mentioned, relating to their Proceedings, for greater certain-
 ty refers himself. And this Defendant further saith, That soon after the said Address
 several Treaties, Conventions and Agreements, were made, on the part of His said
 Majesty, with divers foreign Princes and States; and the same, or some of them were
 in *January* 1701, laid before the House of Commons, who thereupon voted such an Ad-
 dition as would make up His Majesty's Quota, or proportion of Land Forces to act
 in Conjunction with the Allies, the compleat Number of 40000 Men: And forasmuch
 as the Number of the King's Natural born Subjects, which made a Part of the said
 40000 Men, amounted to no more than 18328 Men, or thereabouts, the Commons
 thought fit to confine their Allowances for Contingencies to the last mentioned Num-
 ber, giving to that End the Sum of 10000 *l.* only, without making any Provision for
 Contingencies for the Remainder of the said 40000 Men, and in Consequence leaving
 (as this Defendant apprehends) the Provision of that Part of the Contingencies to be
 supplied by such Contributions as could be obtained for that purpose from the foreign
 Princes whose Troops were hired. And His Majesty being unwilling, as He infor-
 med this Defendant, to apply to the Parliament for a greater Sum than 10000 *l.* for
 the Service aforesaid, and having, as He assured this Defendant, laid out in the Pre-
 cedent War, one Year with another, about 70000 *l.* in Contingencies, His said Ma-
 jesty was pleased to command this Defendant to apply to the said foreign Princes
 for a Contribution towards Contingencies, in some Proportion to what was allowed
 for the *English*; and upon such Application this Defendant prevailed with those Prin-
 ces to allow for their Quota of the said Contingent Expences 2 *l.* 10 *s.* *per Cent.* out of
 the Pay of their respective Forces, which this Defendant computes to be near in Pro-
 portion to the Sum of 10000 *l.* allowed for the Quota of the said 18328 Men; and this
 Allowance of 2 *l.* 10 *s.* *per Cent.* so made as the Quota of the Contingencies for the said
 Foreign Forces, was to be ordered and disposed of to that Use, by the General, or
 His Commander in Chief, in such manner, and to such Persons, as he should think fit,
 and was to be, in all respects, as much under his Power and Direction, as the said Al-
 lowance of 10000 *l.* made by Parliament, and to be without Account; nor has ever
 any Account thereof been desired by any of the said Foreign Princes, nor ought it to
 be required by Her Majesty's Attorney-General (as this Defendant is advised) the
 rather because such the Concession of the said Foreign Princes was not in any sort to
 vary or alter, nor did it (as this Defendant is advised) vary or alter the Treaties or
 Conventions entred into with those Princes for the Pay of their Troops, which for
 the most part were made jointly with the States-General, and were besides absolute
 and unconditional Contracts for the Pay of the Troops of those Princes without Re-
 serve; and the said Princes having thus condescended that the aforesaid 2 *l.* 10 *s.* *per*
 Cent. should be allowed for their Quota of Contingencies, and that it should be for
 that purpose issued out by the Pay-Master, or his Deputy, as the General should direct,
 at Her Majesty was acquainted therewith, and was pleased to approve and confirm the
 same, as appears (as this Defendant is advised) by Her Majesty's Royal Warrant set
 forth in the said Information; and the Deputy Pay-master from time to time paid the
 said:

said 2 l. 10 s. *per Cent.* out of the Pay of the said Foreign Troops, in such manner, and to such Persons, and at such times, as this Defendant, being General of the Army in the Low-Countries, by his Orders (issued for that purpose) appointed, and the said Princes ratified what the Deputy Pay-master had done, in compliance with this Defendant's Orders, by giving Discharges in full for the whole Pay of their Forces: And this Defendant, for avoiding the Inconveniencies that might follow the Knowledge of the Times when, and the Persons to whom the said Money was issued, did take up and cancel the Orders which he had given the Deputy Pay-master; and, to the best of this Defendant's Remembrance, annually signed a general Acquittance for the Amount of the said 2 l. 10 s. *per Cent.* for each Year respectively: And thus the Deputy Pay-master, by issuing the said Allowance to this Defendant's Orders, and paying the Remainder of the Pay of the Foreign Troops, not only complied with the Intent and Design of the said Princes, but at the said time cleared the Debt of the Crown to those Princes, and withal discharged the whole Receipt from the Exchequer, into the which the Pay-Master having delivered his Accounts to the Year 1705, the same were (as this Defendant believes) allowed by the proper Officers, and he had his *Quietus* thereon, and was discharged therefrom, although at that time the Queen's Warrant, in the Information suggested to be kept secret, was, or else the Draught, or an authentick Copy thereof was (as this Defendant believes) remaining in the Office out of which it issued; and the Quota of Contributions for the said foreign Forces being by the said Princes Provided for, and known so to be, was the Reason (as this Defendant believes) that no Estimate was given in, nor any Provision demanded of the House of Commons, for such their Quota; but the 10000 l. a Year for the Proportion of Her Majesty's natural born Subjects in the Low-Countries was (as this Defendant believes) inserted in the Estimates, and annually demanded of the Parliament and provided for accordingly, and became constantly a Part of their separate Establishments, and as such has been from time to time approved of and confirm'd by Her Majesty. And this Defendant admits that the said Princes were assured, and that it was agreed, that no more should be deducted, or stopped out of the Pay of their Forces, than the aforesaid 2 l. 10 s. *per Cent.* yet this was not (as this Defendant apprehends) any Concession or Consideration moving from, or granted by, or on the Behalf of the Crown of England, since the Crown had not (as this Defendant is advised) any Right or Title to any Stoppage whatsoever, unless with the Consent of the said Princes to that End had and obtained; but this Defendant believes there was not any Consent ever obtained for any other Deduction thereout than the said 2 l. 10 s. *per Cent.* only, which being allowed as aforesaid for the Quota of the Contingencies for the said Foreign Forces, made it unnecessary that any Notice should be taken, nor was any Notice therefore taken by this Defendant, of the Insufficiency of the said Allowance of 10000 l. But with the said Allowances of 10000 l. and the 2 l. 10 s. *per Cent.* he, this Defendant, as General did, and Her Majesty did not, as this Defendant believes, provide for the Contingencies, in respect of the Forces in Her Majesty's Pay in the Low-Countries: Wherefore and because the Agreement, in manner and Form above set forth, relating to the said Allowance of 2 l. 10 s. *per Cent.* is all the Agreement for any Deduction or Allowance out of the Pay aforesaid that was ever made by this Defendant, to the best of his Remembrance, with the said Princes or any Persons authorized in that Behalf, for these and divers other Reasons this Defendant insists, that the said 2 l. 10 s. *per Cent.* doth not in any wise belong to the Publick, nor is this Defendant accountable to Her Majesty for or in respect of the same.

However, this Defendant, without waving or departing from his said just Defence, doth for the clearing himself from any Imputation of having kept or reserved any part of the said Money to his own Use, averr, that all the Money, so allowed for Contingencies, was laid out and expended to that purpose, and particularly that the said 2 l. 10 s. *per Cent.* allowed as the Quota of the said foreign Troops, was wholly, truly, and justly applied by this Defendant, or by his Directions, in secret Services, in

pro-

procuring Intelligence, and holding private Correspondence for the Use and Benefit of the Army: And this Defendant believes, that the said 10000 *l.* so allowed by Parliament, and the said 2 *l.* 10 *s.* *per Cent.* allowed by the foreign Princes for Contingencies, were allow'd for such Expences only as were incident to such secret Services, and to the procuring such Intelligence, and holding such Correspondence as aforesaid; and the Expences of this Sort were never (as this Defendant believes) provided for by Parliament under any other Name or Head than that of Contingencies, and never were or can be accounted for, without destroying the End and Use of secret Service; for which Reason the Allowance made by Parliament of the said Sum of 10000 *l.* for Contingencies, hath been and is (as this Defendant conceives) very justly without Account; and for the same Reason the Allowance made, as above, by the Foreign Princes for the like Contingencies, ought also to be, as was intended by them to be, without Account; more especially since this Defendant saith, as before, That the same hath been faithfully disposed of to the Services and Uses intended. And as this Defendant's Averment is all the Proof the Manner of the Expence admits of, so it ought the rather to be credited, for that the like Services did at a Medium Yearly Cost His Majesty in the late War a far greater Sum than what the 10000 *l.* and the 2 *l.* 10 *s.* *per Cent.* *per Annum* added together amounted to. And as the said Princes have not required, so neither doth Her present Majesty's Warrant, or the Import or Tenour thereof (as this Defendant is advised) require that any Account should be given thereof: And this Defendant insists that he ought not, and saith, that he cannot particularly set forth what Sums were issued to this Defendant's Order, or how, when, or to whom, or in what manner the same were disposed of, all Footsteps thereof being, as near as could be, destroyed, lest the many good Effects arising by the secret Disposition of that Money should have been put to an End, and the Persons therein concern'd, in Violation of the Faith given them, subject to the greatest Mischiefs and Inconveniences.

But this Defendant admits there has been an open War carry'd on by Her Majesty and Her Allies against *France* and *Spain*, and that for the Prosecution thereof divers great and considerable Sums have Yearly, during that Time, been granted to Her Majesty by Parliament; and that, in Prospect of such War, His late and Her present Majesty did hire, or cause to be hired, from several Foreign Princes, and actually had in His and Her Majesties Service in the *Low-Countries*, and elsewhere, several Thousand Foreign Soldiers, who acted in Conjunction with Her Majesty's Allies against the Enemy, the Yearly Pay whereof amounted to a very great Sum of Money; and the same was to be, and was (as this Defendant believes) paid out of the Publick Taxes given by Parliament; as touching which Pay, tho' this Defendant hath inspected, or caused his Books, Papers and Vouchers to be inspected, in order to ascertain what the same and the said 2 *l.* 10 *s.* *per Cent.* respectively amounted to, yet this Defendant cannot from thence collect, nor doth this Defendant know what is the Amount thereof: But, according to the best of his this Defendant's Information and Belief, he this Defendant saith, That the said 2 *l.* 10 *s.* *per Cent.* paid to the Order of this Defendant since Her Majesty's happy Accession to the Throne, came to in the whole 15,1748 *l.* 8 *s.* Sterling Money, or thereabouts; and since such Her Majesty's said Accession, there hath not (as this Defendant verily believes) ever been paid to or received by this Defendant; or his Order, any further or other Sum or Sums of Money whatsoever upon Account of, or by or from the said Deduction or Allowance of 2 *l.* 10 *s.* *per Cent.* than as above set forth, and the Money so received was wholly received in Manner aforesaid from the said Deputy Pay-Master, his Officers, Agents, or Servants, and from no other Person or Persons, to the best of this Defendant's Remembrance; And its being received to the Uses above-mentioned made it unnecessary for this Defendant to alledge, nor did this Defendant, to the best of his Remembrance, ever alledge, that the same was given to any other purpose, or paid in any other manner than as before mention'd; but the particular Sums, or the certain

certain Times when, or by whom the same were received, this Defendant cannot set forth. And as to the Allegation in the said Information, *'(That the Pay-master General of Her Majesty's Forces in Foreign Parts for the Time being, ought in his Account of the Monies Imprest to him, to have charged himself with the Money in the Information suggested to be Deducted from the Foreign Troops, and discharged himself by proper Applications)* This Defendant saith, That if the said 2 l. 10 s. per Cent. had been esteemed the Money of the Publick, the Pay master (as this Defendant believes) had been, as is usual in such Cases, directed in Her Majesty's Warrant to be charged with that Money, and then he ought accordingly to have made himself Debtor for the same, and discharged himself therefrom by Vouchers of proper Applications : But because no such Directions were given either to the Auditor or Pay master (as this Defendant likewise believes) it appears from thence, that the said 2 l. 10 s. per Cent. was not esteemed the Money of the Publick : And if it be true, as is suggested in the Information, *'That the Warrants relating to publick Monies ought to be and are usually entered in the Treasury,* the not entering Her Majesty's said Warrant in the Treasury, is a Reason (as this Defendant apprehends) that the same did not relate to the Money of the Publick ; and this Defendant believes, the said Warrant was not entered in the Treasury, but having been entered in the proper Office, out of which it issued, was taken from thence, and left with the Deputy Pay-master of the Forces abroad, from whose Hands the above-mentioned 2 l. 10 s. per Cent. issued, and consequently the Person most proper to have the same deposited with, and in whose Custody or Power it now is (as this Defendant believes) And this Defendant admits that the said Warrant is in the Words or to the Effect set forth in the said Information, but thereto for greater Certainty refers, and saith, That the same was not kept secret by this Defendant, or by him or his Order privately shewn or delivered to the Deputy Pay-master, or any acting as such ; but whether the Auditors of the Imprest had Notice of such Warrant or not, and whether Her present Majesty has ever given, sign'd, or granted any other Warrant relating to the said 2 l. 10 s. per Cent. this Defendant cannot set forth. And as concerning the Treaties, Contracts, or Agreements, made by this Defendant with the said Foreign Princes for the Hire of their Troops, and the respective Number of Troops hired for and taken into Her Majesty's Service, he this Defendant saith, That he believes his Secretary entered in several Books true Copies of such Treaties, and true Accounts of the Numbers of the hired Troops, with their respective Establishments ; which Books, for the Satisfaction of Her Majesty's Attorney-General in this Particular, he this Defendant hath caused to be left with this Defendant's Clerk in Court, to be inspected or copied as the said Attorney-General shall think fit ; unto which this Defendant, for greater Certainty, refers, and saith, That he knows of no other Treaties, Contracts, or Agreements made with those Princes, on Her Majesty's Behalf, for any other foreign Troops than what are therein contain'd : And further this Defendant saith, That the aforesaid 2 l. 10 s. per Cent. being allowed by the said Foreign Princes, as and for the Quota of their Troops, towards the common Contingencies of the whole Army, the same was not therefore to be applied in defraying any separate contingent Expences of the said Foreign Troops, since there were not any contingent Expences on account of those Troops incident or peculiar to them, exclusive of the rest of the Army. Without that that any other Matter or Thing not herein and hereby answer'd unto, confess'd avoided, traversed or denied, is true ; all which Matters and Things this Defendant is ready to maintain, justify and prove, as this Honourable Court shall direct, and humbly prays to be hence dismiss.

L O N D O N, Printed: And Re-printed by Francis Dickson, at
the Union on Cork-Hill, Dublin, 1712.

coll.
Wistwood Bookstore
6-24-46